

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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BRIAN SUGHRIM, individually and on behalf of all others  
similarly situated; DAVID FELICIANO, individually and on  
behalf of all others similarly situated;

Plaintiffs,

v.

STATE OF NEW YORK; NEW YORK STATE  
DEPARTMENT OF CORRECTIONS AND COMMUNITY  
SUPERVISION; ANTHONY J. ANNUCCI, Acting  
Commissioner (in his official capacity); JOHN A. SHIPLEY,  
Director of Labor Relations (in his personal and official  
capacities); NA-KIA WALTON, Assistant Director of Labor  
Relations/ADA Coordinator (in her personal and official  
capacities); LEROY FIELDS, Superintendent, Fishkill  
Correctional Facility (in his personal and official capacities);  
STEPHEN URBANSKI, Deputy Superintendent for Security  
Services, Fishkill Correctional Facility (in his personal and  
official capacities); J. JOHNSON, Deputy Superintendent for  
Administrative Services, Fishkill Correctional Facility (in her  
personal and official capacities),

Defendants.  
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No. 19-cv-07977 (RA)

**[PROPOSED]  
ORDER TO  
SHOW CAUSE**



Upon the annexed declaration of Brian Sughrim, dated November 26, 2019; the declaration of David Feliciano, dated November 26, 2019; the declaration of Derek Gleixner, dated November 26, 2019; the declaration of Roland Sofo, dated November 27, 2019; the declaration of Khaldoun Alshamiri, dated November 27, 2019; the declaration of Joshua S. Moskovitz, dated November 26, 2019; the exhibits attached to those declarations; Plaintiff's supporting memorandum of law; and upon all the papers filed and proceedings had herein, it is hereby

ORDERED that Defendants show cause before Hon. Ronnie Abrams in Courtroom 1506, United States Courthouse, 40 Foley Square, New York, New York 10007, on December 6, 2019, at 3:30 ~~pm~~ p.m., or as soon thereafter as counsel may be

heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining and restraining Defendants and each of them, pending the final determination of this action, from taking any adverse action against Plaintiffs and any other DOCCS Correctional Officer because they wear a beard or requested an accommodation to wear a beard for religious reasons, and granting such other and further relief as may be just and proper; and it is further

ORDERED that pending the hearing and determination of this motion, Defendants are restrained, enjoined, and stayed from taking any adverse action against Plaintiffs and any other DOCCS Correctional Officer because they wear a beard or requested an accommodation to wear a beard for religious reasons; and it is further

ORDERED that electronic service of a copy of this Order together with the papers on which it is granted, upon Defendants' counsel of record on or before December 3, 2019, shall be good and sufficient service upon defendants; and it is further

*MM* ORDERED that at least ~~ten (10)~~ <sup>three (3)</sup> days before the return date of this Motion, Plaintiffs must serve upon attorneys for Defendants any additional supporting papers; at least ~~five (5)~~ <sup>one (1)</sup> days before the return date of this Motion, Defendants must serve any answering papers upon attorneys for Plaintiffs; and no later than the return date of this motion, Plaintiff shall serve upon attorneys for Defendants any reply papers. *MM*

Dated: New York, New York  
November 27, 2019

ENTER:

*By Victor Marrero U.S.D.J.*  
Ronnie Abrams, U.S.D.J. *Part I*